United Nations A/AC.154/346

General Assembly

Distr.: General
24 April 2002
English
Original: Arabic

Committee on Relations with the Host Country

Letter dated 21 March 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

I have the honour to transmit to you herewith a memorandum (see annex) concerning the problem posed by the tax demands made by the City of New York authorities with respect to the Mission's building located at 309 East 48th Street in Manhattan, New York City.

The Permanent Mission of the Libyan Arab Jamahiriya requests the Committee on Relations with the Host Country to hold a meeting to discuss the memorandum and remedy the situation created by these demands, which have no legal or logical basis, in keeping with the obligations of the host country under the Charter of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement concluded by the Government of the United States of America, as the host country, and the United Nations.

I further have the honour to request you to have the memorandum circulated as a document of the Committee.

(*Signed*) Abuzed Omar **Dorda**
Permanent Representative

02-35732 (E) 080502

Annex to the letter dated 21 March 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee

Memorandum for submission to the Committee on Relations with the Host Country concerning illegal demands for real estate taxes on the building of the Permanent Mission of the Libyan Arab Jamahiriya in New York

On 7 and 8 January 1986, former President Ronald Reagan issued two Executive Orders blocking all Libyan assets in the United States as part of a series of unilateral sanctions imposed on Libya. The Libyan Arab Jamahiriya owned a building known as Libya House, which is a structure of 24 floors located at 309 East 48th Street in Manhattan. It is occupied by the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations, and part of it also serves as the residence of the Jamahiriya's Permanent Representative. Under prior legal arrangements and with the approval of the competent United States authorities, part of the building, namely seven of the floors, was designated for commercial purposes. However, under the aforesaid Executive Orders, which prohibited any Libyan investment activity in the United States, it became legally impossible to use the seven floors in question for the purpose originally intended.

Under arrangements instituted by the United States authorities, the Office of Foreign Assets Control (OFAC) of the United States Department of the Treasury became responsible for the blocked Libyan assets in the United States. Libya applied for a licence to rent out the seven floors, and a copy of an application for such a licence is attached (see appendix I).* It should be noted that, in its application, Libya agreed to deposit any amounts remaining after the payment of all costs in a blocked account. OFAC nevertheless rejected the application (see appendix II).

Although the United States authorities had prevented Libya from using the seven floors in the building as investment property, the New York City authorities adopted an attitude that was bizarre in the extreme. They insisted on treating the seven floors whose beneficial use had been blocked, as previously explained, like any other commercial property that was not subject to any restrictions. Despite the fact that the floors remained unoccupied and were not used for commercial purposes of any kind, and although no income was produced in the years following the issuance of the two blocking orders mentioned above, the New York City authorities continued to assess real estate taxes on them throughout the period in question and to demand enormous sums in accumulated interest. They have continued up to the present time to insist on this position, which has no basis in law or logic, and, according to the latest official notice sent to the Mission by the New York City authorities, the delinquent taxes and accumulated interest charges amount to $40,411,664.14 (see appendix III).

It should be said that, in its concern to comply with the applicable laws, the Mission paid the real estate taxes assessed on the seven floors designated as investment property over the entire period prior to the blocking orders, despite the fact that they were not actually used as such.

* For the appendices, see the addendum to the present document (A/AC.154/346/Add.1).

In a letter dated 18 December 1987 addressed to the legal representative of the Mission, Mr. Abraham Biderman, who was at that time New York City Commissioner of Finance, stated as follows:

"Subdivision (e) of section 11-208.1 defines income producing property as 'property owned for the purpose of securing an income from the property itself'. The Presidential Order prohibiting leasing of the office space, cited in your letter, precludes consideration of the subject property as an income producing property." (see appendix IV)

In a letter dated 14 August 1986 addressed to the New York City Tax Commission, the legal representative of the Mission stated that it would seem to be illegal for the City to assess taxes on part of the building that had not been used for commercial purposes because of a prohibition issued by the federal Government, and he asked that the Mission's just request should be given immediate attention (see appendix V).

Although the Commission's reply, in its letter dated 28 August 1986, acknowledged the facts that prevented the Mission from renting out the seven floors, it gave the pretext that the provisions of the law do not permit an exemption and thence concluded that the request must be rejected (see appendix VI).

The Mission further addressed a note verbale dated 12 September 1986 to Mr. Javier Pérez de Cuéllar, then Secretary-General of the United Nations, requesting his assistance in resolving this problem (see appendix VII).

On 19 August 1991, Mr. Paul O'Dwyer, then New York City Commissioner for the United Nations and Consular Corps, wrote to Mr. Shirin Tahir-Kheli, Alternate Representative for Special Political Affairs at the United States Mission, concerning the outstanding real estate taxes on the Libya House building, which at that time amounted to only 3.5 million dollars. He wrote as follows:

"... Since seven floors of the subject premises have been set aside for commercial use, they have been taxed in the ordinary course. Although none of the seven floors had ever been occupied by a tenant, the Libyan government had been paying the taxes until early 1986, when their ability to rent the seven floors was 'frozen', pursuant to two Executive Orders. The Libyan government has maintained since that time that it is inappropriate, indeed illegal, for the City to be taxing the property when the property has been rendered 'unusable' for the commercial purposes for which it was built.

"...

"... We believe that this burden should not fall on the citizens and taxpayers of the City, but rather it is the responsibility of the federal government in light of the Executive Orders which triggered the problem." (see appendix VIII)

This letter, with the view it conveys, clearly supports the assertion that the attitude adopted towards Libya in this matter is unjust.

The City of New York has not been content to demand only the real estate taxes for the floors in question. Although Commissioner Biderman acknowledges that the Executive Order "precludes consideration of the subject property as an income producing property" and Commissioner O'Dwyer endorses Libya's position that "it is inappropriate, indeed illegal, for the City to be taxing the property when

the property has been rendered 'unusable' for the commercial purposes for which it was built", the City goes on to impose punitive interest charges at an annual rate of 18 per cent compounded daily. The interest charges have actually exceeded the amount of the taxes themselves in a manner that goes beyond all reasonable bounds.

On 27 August 2001, Mr. Bryan X. Grimaldi, General Counsel to the New York City Commission for the United Nations, addressed a letter to Mr. Isa Ayad Babaa, Deputy Permanent Representative of the Libyan Arab Jamahiriya, concerning the tax arrears, in which he informed the Libyan Mission that " ... the City of New York formally registered a claim with the Office of Foreign Assets Control, U. S. Department of Treasury", for the tax amounts outstanding, namely, as it says in the letter, $36,508,846.70, representing the total amount of taxes and interest due (see appendix IX).

On 20 September 2001 the Mission replied with a letter in which, inter alia, it made the formal request that the City Department of Finance should withdraw this demand at once. As of this date, the Mission has received no reply to this request.

In the context of the Mission's tireless efforts to find a legal solution to this problem, on 4 April 2001 it addressed a note to the Permanent Mission of the United States to the United Nations asking permission "to use the entire premises for Mission purposes" (including the seven floors in question) (see appendix X). The grounds for this request were logical, and it had the goal of settling the disputed question of the continued assessment of taxes. It made no sense to maintain the commercial character of the seven floors while their owner was prohibited from using them for commercial purposes and was then required, by another entity, to pay taxes on revenues that did not exist for reasons over which it has no control. The Mission received formal approval of this request by a note dated 5 December 2001 from the Permanent Mission of the United States to the United Nations (see appendix XI). Accordingly, the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed a letter to Ms. Irene Halligan, New York City Commissioner for the United Nations, Consular Corps and Protocol, on 21 December 2001, concerning the Mission's intention to give effect to this approval by converting the seven commercial floors for the Mission's diplomatic uses, and it requested a meeting of the Permanent Representative, the City Commissioner and the Mission's legal adviser and attorney to discuss how the Mission should proceed in completing the necessary formalities (see appendix XII).

Apparently for reasons connected with changes of senior executive and administrative personnel in the City following the election of a new mayor, the Mission received no reply to this request. This prompted us to write once more as a reminder, and recently the Mission was happy to receive a reply to the effect that the new Commissioner, Ms. Marjorie B. Tiven, wished to resolve the matter and was willing for the meeting to be held (see appendix XIII).

However, to its astonishment at an action that not only negates the readiness of both parties to reach a solution to the problem but violates all diplomatic custom and the obligations of the host country to respect the immunity of the premises of diplomatic missions in accordance with the Vienna Convention on Diplomatic Relations and the Headquarters Agreement, the Mission received a letter dated 12 March 2002 from the City of New York (see appendix XIV) notifying it of the City's intention to offer the tax liens for sale and to publish a notice to that effect in the New York *Daily News*. This action constitutes a manifest breach of the obligations

of the host country under the terms of the Charter of the United Nations, the 1961 Vienna Convention on Diplomatic Relations and the Headquarters Agreement concluded by the United Nations and the Government of the United States of America.

It is well known that the privileges and immunities of missions to the United Nations are regulated by numerous international instruments. They include the Charter of the United Nations, specifically Article 105, paragraph 2; the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946 and ratified by the United States on 15 April 1970; the Vienna Convention on Diplomatic Relations, signed on 18 April 1961, which entered into force on 24 April 1964 and was ratified by the United States on 8 November 1972; and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed on 26 June 1947 (the Headquarters Agreement).

Article 105, paragraph 2, of the Charter reads:

> "2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization."

The Charter thus concedes the necessity of according privileges and immunities to permanent representatives and entrusts to the General Assembly the task of determining the details of such privileges and immunities by making recommendations or proposing conventions to the Members of the United Nations for this purpose (Article 105, paragraph 3, of the Charter).

The privileges and immunities of the representatives of Members are regulated by article IV of the Convention on the Privileges and Immunities of the United Nations, which grants the representatives of Members an appreciable number of privileges and immunities while exercising their functions, including immunity from arrest; inviolability for all papers and documents; exemption from immigration restrictions; and such other privileges and immunities not inconsistent with the foregoing as diplomatic envoys enjoy.

Article 21 of the Vienna Convention on Diplomatic Relations, on the premises of diplomatic missions, reads:

> "1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.
>
> "2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members."

Article 25 of the Convention also provides that:

> "The receiving State shall accord full facilities for the performance of the functions of the mission."

The Vienna Convention on Diplomatic Relations supports the assertion that the receiving State must not impose unreasonable restrictions on premises. This is because the imposition of unreasonable restrictions would not accord with the

general rule of freedom of movement or with the spirit of the provisions requiring the receiving State to assist missions in obtaining suitable accommodation and not to impede this process.

Under the Headquarters Agreement between the United Nations and the Government of the United States, the latter grants full diplomatic privileges and immunities to principal resident representatives, who:

> "... shall, whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, ..., as it accords to diplomatic envoys accredited to it." (section 15)

Furthermore, as noted above, the Headquarters Agreement states specifically that principal permanent representatives are entitled to the same privileges and immunities as diplomatic envoys accredited to the United States.

In bringing this matter before the Committee on Relations with the Host Country, the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations demands that the host country should comply, as it has undertaken to do in that capacity, with the provisions of international law as codified in the international instruments cited above and that it should take immediate measures to halt the sale by the New York City authorities of the so-called delinquent taxes and charges (which are absolutely illegal), as announced by their notice of 12 March 2002. Instead of turning a blind eye to the actions of the New York City authorities over the years, as exemplified by their illegal demands for the payment of commercial real estate taxes on property that the host country Government has prevented from being used for the purpose intended by means of the orders it has enacted, it should meet its responsibilities as host country of the Organization and should correct actions that are in violation of the most elementary norms of law and justice.

For more than 15 years, the Mission has been deprived of investment income on the commercial portion of the building despite the original approval by the United States authorities of its use for commercial purposes. These revenues would in any event have been not less than 10 times the amount of the real estate taxes wrongly assessed on the building. Despite the many initiatives showing the Mission's good faith and its desire to find a just and fair solution to a problem of long standing, the means of resolving that problem have been complicated by the baffling attitude the New York City authorities have insisted on adopting. By their silence, the relevant authorities at the federal level implicitly agree with them in this. The Mission reserves its right to claim compensation for the losses sustained in the manner it deems appropriate.

The Permanent Mission of the Libyan Arab Jamahiriya to the United Nations requests the Committee on Relations with the Host Country to exercise the powers entrusted to it under General Assembly resolution 2819 (XXVI), which establishes the Committee's terms of reference. In May 1992 and March 1994 , the Committee adopted a detailed list of topics for its consideration, and items 2, 3 and 5 of that list relate in particular to the crux of the problem under consideration (see appendix XV). The Mission expects the Committee, in accordance with its terms of reference, to intervene with a view to devising a definitive solution to the problem of the tax demands on the Mission's building that may once again place matters on a footing that accords with the norms of international law and established principles as they

relate to the obligations of the host country vis-à-vis the privileges and immunities of diplomatic missions and their premises.

In closing, the Mission affirms that Libya has always met and will continue to meet all of the financial obligations incurred in connection with the services provided by the City of New York to Libya House. We ask no more than that an unjust situation that lacks any legal or logical basis should be handled in a fair and rational manner.

United Nations A/AC.154/346/Add.1

General Assembly

Distr.: General
3 May 2002

Original: English

Committee on Relations with the Host Country

Letter dated 21 March 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Addendum

02-36628 (E) 230502

Appendix I

TREASURY DEPARTMENT
FOREIGN ASSETS CONTROL
OMB #

APPLICATION NO. L-13

Libyan Sanctions Regulations

AMENDED APPLICATION NO. 3 FOR A LICENSE

TEMPORARY FORM

Foreign Assets Control Division
Federal Reserve Bank of New York
33 Liberty Street
New York City, New York 10045

TO THE SECRETARY OF THE TREASURY
c/o Federal Reserve Bank

DATE: March 14, 1986

This Amended Application No. 3 is submitted in conjunction with and in supplement to a certain Application for a License, pursuant to Section 550.209 of the Libyan Sanctions Regulations, on behalf of the Mission of Libya to the United Nations, dated January 20, 1986, Amended Application No. 1, dated January 26, 1986, Amended Application No. 2, dated March 10, 1986, and submitted to the Federal Reserve Bank of New York and to the Treasury Department, Office of Foreign Assets Control, at Washington, D.C.

1. The Permanent Mission of Libya to the United Nations is the sole occupant, at the present time, of premises known as 309-15 East 48th Street, New York City, New York. Said premises are owned by the Socialist People's Libyan Arab Jamahiriya in fee simple and without any Mortgage.

2. As has previously been indicated, by a Note Verbale from the Libyan Mission to the United States Mission, the Mission of Libya had an intention to rent seven (7) floors of the aforementioned building to other Missions to the United Nations. It is to be noted that said seven (7) floors are approximately 26-36 per cent of the said premises. The Mission of Libya shall appreciate the approval of the Treasury Department to proceed with its earlier expressed intention to renting out the seven (7) floors thereof to interested Missions to the United Nations and/or to other interested private companies.

3. The Mission of Libya is prepared to open a Special Bank Account entitled "MISSION OF LIBYA - LIBYA HOUSE ACCOUNT", and to deposit all sums of money received from any tenant at the above-mentioned premises and to use those funds only for:

(a) Improvements and betterments for tenants, real estate brokerage commissions and legal fees in connection with such rentals, and

(b) The pro-rate cost of operating and maintaining said seven (7) floors, i.e.: 26-36 per cent of the total operating and maintenance costs, including real estate taxes to The City of New York on the non-exempt portion of the premises

4. Accordingly, a Special License is requested to authorize The Mission of Libya to rent all seven (7) floors and a Special License to open a new special account entitled "MISSION OF LIBYA - LIBYA HOUSE ACCOUNT", to be opened at The Chemical Bank, United Nations Branch, United Nations, New York, for the purposes only as indicated above.

The undersigned, ROBERT W. THABIT, ESQ., certifies that I am the attorney for the MISSION OF LIBYA TO THE UNITED NATIONS, who is the applicant in the above Application for a License; that I am duly authorized to make the foregoing application on behalf of the applicant; that except as otherwise specifically stated, I have personal knowledge of all the facts herein stated; that the same are true and correct; and that I do not have knowledge of any material facts in connection with said application that are not fully and accurately set forth.

Robert W. Thabit

ROBERT W. THABIT
801 Second Avenue
New York, New York
(212) 682-3481

DEPARTMENT OF THE TREASURY
WASHINGTON

JUL 23 1986

L-103346
L-13(c)

Dear Mr. Thabit:

I am writing in response to your request on behalf of the Permanent Mission of Libya to the United Nations requesting a license to permit the renting out of seven floors of a building owned by the Socialist People's Libyan Arab Jamahiriya and located at 309-15 East 48th Street, New York, New York.

After consultation with the Department of State and careful consideration of all the relevant factors, the request for a license is denied.

The Department of State has also requested that this letter serve as a reminder that all previous restrictions imposed by the Department of State on the use of the vacant floors shall remain in effect.

Very truly yours,

Dennis M. O'Connell
Director
Office of Foreign Assets Control

Mr. Robert W. Thabit
801 Second Avenue
Suite 801
New York, New York 10017

Appendix III

FINANCE
NEW•YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

DELINQUENCY NOTICE
REAL ESTATE AND ASSESSMENTS

297601102021501

PERM MISS OF LIBYA TO UN
FOREIGN OWNED
309 E 48TH ST
NEW YORK , NY 10017-1746

FEBRUARY 15, 2002
BOROUGH: MANHATTAN
BLOCK: 1341 LOT: 6 4

PARCEL ADDRESS:
309 EAST 48 STREET
NEW YORK NY 10017

ACCOUNT TYPE	TAX CODE	ACCOUNT ID	BEGIN DT DUE DATE	PERIOD END	TAX DUE	INTEREST
REAL EST	10		07/01/98	12/31/98	211,415.42	201,140.43
REAL EST	10		01/01/99	06/30/99	214,410.66	167,704.67
REAL EST	10		07/01/99	12/31/99	212,913.04	134,139.09
REAL EST	10		01/01/00	06/30/00	202,637.64	99,020.17
REAL EST	10		07/01/00	12/31/00	209,450.34	75,589.64
REAL EST	10		01/01/01	06/30/01	200,182.46	48,618.89
REAL EST	10		07/01/01	12/31/01	205,962.96	28,168.73
RE ADD TAX	13		03/01/91	06/30/91	4,070.08	25,785.48

TOTAL REMITTANCE DUE: $2,241,209.70

ADDITIONAL INTEREST WILL BE ADDED IF NOT PAID ON OR BEFORE THE INTEREST DATE INDICATED BELOW. THIS NOTICE REFLECTS ALL PAYMENTS RECEIVED BY THE PAYMENTS THROUGH DATE INDICATED BELOW.

***** DO NOT TEAR-OFF *****

TO INSURE PROPER CREDIT, RETURN ALL PARTS OF THIS BILL WITH YOUR CHECK MADE PAYABLE TO THE NYC DEPARTMENT OF FINANCE. SEE THE REVERSE SIDE OF THIS NOTICE FOR MAILING AND PAYMENT INSTRUCTIONS.

INTEREST TO: 03/18/2002
TOTAL TAX DUE : $1,461,042.60
TOTAL INTEREST DUE : $780,167.10
TOTAL REMITTANCE DUE: $2,241,209.70
PLEASE ENTER CORRECTION(S) HERE:

PERM MISS OF LIBYA TO UN
309 E 48TH ST
NEW YORK , NY 10017-1746

PAYMENTS THROUGH: 01/29/2002
NOTICE NO.: 297601102021501
BBL : 1-1341-6 4

NYC DEPARTMENT OF FINANCE
P.O. BOX 32
CHURCH STREET STATION
NEW YORK, NY 10008

000956.01

FINANCE
NEW•YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

DELINQUENCY NOTICE
REAL ESTATE AND ASSESSMENTS

297601102021501

PERM MISS OF LIBYA TO UN
FOREIGN OWNED
309 E 48TH ST
NEW YORK , NY 10017-1746

FEBRUARY 15, 2002
BOROUGH: MANHATTAN
BLOCK: 1341 LOT: 6 4

PARCEL ADDRESS:
309 EAST 48 STREET
NEW YORK NY 10017

ACCOUNT TYPE	TAX CODE	ACCOUNT ID	BEGIN DT DUE DATE	PERIOD END	TAX DUE	INTEREST
REAL EST	10		07/01/92	12/31/92	259,365.78	1,231,349.33
REAL EST	10		01/01/93	06/30/93	259,365.78	1,102,068.43
REAL EST	10		07/01/93	12/31/93	238,730.06	907,404.10
REAL EST	10		01/01/94	06/30/94	238,730.06	808,006.67
REAL EST	10		07/01/94	12/31/94	217,471.08	654,716.86
REAL EST	10		01/01/95	06/30/95	229,027.34	609,783.54
REAL EST	10		07/01/95	12/31/95	221,598.68	520,716.36
REAL EST	10		01/01/96	06/30/96	221,598.68	456,339.77
REAL EST	10		07/01/96	12/31/96	221,598.68	398,156.99
REAL EST	10		01/01/97	06/30/97	215,207.64	334,476.28
REAL EST	10		07/01/97	12/31/97	213,245.84	284,927.27
REAL EST	10		01/01/98	06/30/98	209,584.98	237,573.92

TOTAL REMITTANCE DUE: $38,170,454.64

THIS BILL CONTAINS MORE THAN ONE PAGE. PLEASE BE SURE TO RETURN
\LL OF THE PAGES OF THIS BILL WITH YOUR PAYMENTS.

ADDITIONAL INTEREST WILL BE ADDED IF NOT PAID ON OR BEFORE THE INTEREST DATE INDICATED BELOW. THIS NOTICE REFLECTS ALL PAYMENTS RECEIVED BY THE PAYMENTS THROUGH DATE INDICATED BELOW.

***** DO NOT TEAR-OFF *****

TO INSURE PROPER CREDIT, RETURN ALL PARTS OF THIS BILL WITH YOUR CHECK MADE PAYABLE TO THE NYC DEPARTMENT OF FINANCE. SEE THE REVERSE SIDE OF THIS NOTICE FOR MAILING AND PAYMENT INSTRUCTIONS.

INTEREST TO: 03/18/2002
TOTAL TAX DUE : $5,555,787.91
TOTAL INTEREST DUE : $32,614,666.73
TOTAL REMITTANCE DUE: $38,170,454.64
PLEASE ENTER CORRECTION(S) HERE:

PERM MISS OF LIBYA TO UN
309 E 48TH ST
NEW YORK , NY 10017-1746

PAYMENTS THROUGH: 01/29/2002
NOTICE NO.: 297601102021501
BBL : 1-1341-6 4

NYC DEPARTMENT OF FINANCE
P.O. BOX 32
CHURCH STREET STATION
NEW YORK, NY 10008

000956.01

FINANCE
NEW•YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

DELINQUENCY NOTICE
REAL ESTATE AND ASSESSMENTS

2976011020215O1

PERM MISS OF LIBYA TO UN
FOREIGN OWNED
309 E 48TH ST
NEW YORK , NY 10017-1746

FEBRUARY 15, 2002
BOROUGH: MANHATTAN
BLOCK: 1341 LOT: 6 4

PARCEL ADDRESS:
309 EAST 48 STREET
NEW YORK NY 10017

ACCOUNT TYPE	TAX CODE	ACCOUNT ID	BEGIN DT DUE DATE	PERIOD END	TAX DUE	INTEREST
REAL EST	10		07/01/86	12/31/86	210,142.99	2,703,968.86
REAL EST	10		01/01/87	06/30/87	219,117.24	2,653,197.67
REAL EST	10		07/01/87	12/31/87	215,057.34	2,462,000.62
REAL EST	10		01/01/88	06/30/88	215,057.34	2,326,633.43
REAL EST	10		07/01/88	12/31/88	228,051.60	2,325,227.86
REAL EST	10		01/01/89	06/30/89	228,051.60	2,176,896.59
REAL EST	10		07/01/89	12/31/89	237,203.10	2,112,485.27
REAL EST	10		01/01/90	06/30/90	237,203.10	1,923,363.34
REAL EST	10		07/01/90	12/31/90	252,448.10	1,848,982.47
REAL EST	10		01/01/91	06/30/91	252,448.10	1,657,094.83
REAL EST	10		07/01/91	12/31/91	257,741.40	1,516,586.62
REAL EST	10		01/01/92	06/30/92	257,741.40	1,362,709.65

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PAGE TOGETHER WITH
ALL THE OTHER PAGE(S) OF THIS NOTICE WHEN MAKING YOUR PAYMENT.

Finance

ABRAHAM BIDERMAN
Commissioner of Finance

The City of New York
Department of Finance
Municipal Building
New York, N.Y. 10007

December 18, 1987

Robert W. Thabit, Esq.
801 Second Avenue, Suite 801
New York, New York 10017

Re: Block 1341, Lot 6
Borough of Manhattan

Dear Mr. Thabit:

This is in response to your November 25, 1987 letter, received by this office on November 27, 1987, in which you requested an opinion on the filing requirements for the above-referenced property under Section 11-208.1 of the Administrative Code of the City of New York.

Subdivision e of Section 11-208.1 defines income producing property as, "property owned for the purpose of securing an income from the property itself". The Presidential Order prohibiting leasing of the office space, cited in your letter, precludes consideration of the subject property as an income producing property. Therefore, filing of the income and expense form is not required. However, if at some future date the office space or other portions of the above-reference property are leased, the Libyan government would be governed by the provisions of Section 11-208.1.

I trust that the above has been responsive to your inquiry.

Very truly yours,

Abraham Biderman
Commissioner of Finance

ROBERT W. THABIT
ATTORNEY AND COUNSELOR AT LAW

OFFICE:
(212) 682-0481, 2

801 SECOND AVENUE, SUITE 801
NEW YORK, NEW YORK 10017

TELEX: 6211
ANSWER: THABIT

August 14, 1986

Mrs. Phyllis Davis
New York City Tax Commission
Municipal Building - 9th Floor
New York, New York 10007

Re.: Libya House
309-15 East 48th Street
New York, N. Y. 10017

Dear Mrs. Davis:

The undersigned represents the Permanent Mission of Libya to the United Nations.

I enclose, pursuant to your request, a copy of the Executive Orders relative to the blocking of Libyan assets in the United States of America. I am also enclosing, pursuant to your request, a copy of our Application for a License. You will also find enclosed a copy of the Rejection of the Application by the Director of the Office of Foreign Assets Control dated July 23, 1986.

In view of the foregoing, it would seem illegal, as a taking of property without due process, that the Government of Libya should be asked to pay a real estate tax to the City of New York on property which the Federal Government has not permitted the Government and Mission of Libya to even offer for rent. Please give the foregoing your immediate attention.

Very truly yours,

ROBERT W. THABIT

RWT:jps
Encs.

cc.: Mr. Dennis M. O'Connell, Director
Office of Foreign Assets Control

H.E. Amb. David Zweifel, Chairman
Libyan Working Group, State Department

Mr. Rajab A. Azzarouk
Permanent Mission

Rec'd 8/29/86 RWT

TAX COMMISSION

MARY E. MANN, *President*
The City of New York
Tax Commission
936 Municipal Building
New York, N.Y. 10007

Exemptions
Telephone: 669-4102

Phyllis B. Davies
Counsel
Telephone: 669-44

Glenn Gorin
Assistant Counsel
Telephone: 669-44

August 28, 1986

Robert W. Thabit, Esq.
801 Second Ave.
New York, N.Y. 10017

Re: Libya House
309 East 48 St.
New York, N.Y. 10017
Block 1341 Lot 6

Dear Mr. Thabit:

Thank you for your letter of August 14 which included copies of the application for a license to rent the seven vacant floors of the subject property and of the denial of such license by the Department of the Treasury.

Notwithstanding the Treasury Department's denial of a license to rent the vacant space, the Tax Commission must limit the exemption from real estate tax to that portion of the property which is actually used for exempt purposes by the Permanent Mission of Libya to the United Nations, pursuant to §418 of the Real Property Tax Law. The relevant portion of §418 states that: "[I]f a portion only of any lot or building of any government or representative is used exclusively for the purposes herein described, then such portion only shall be exempt and the remainder shall be subject to taxation unless otherwise exempt from taxation by law."

Therefore, the request for exemption from taxation for the vacant portion of the building, i.e. that portion of the building which is not being used for exempt purposes by the Permanent Mission of Libya to the United Nations, is hereby denied. With respect to the value of the property, I believe that a hearing has already been held to determine whether the assessed valuation should be reduced.

Very Truly Yours

Phyllis B. Davies

Phyllis B. Davies
Counsel

Appendix VII

The Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations
309 East 48th Street
New York, N. Y. 10017
(212) 752-7724

No.

البعثة الدائمة
للجماهيرية العربية الليبية الشعبية الاشتراكية
لدى الأمم المتحدة
نيويورك

12 September 1986

Dear Mr. Perez de Cuellar:

As you already know, the Libyan Arab Jamahiriya is the Owner of premises 309-315 East 48th Street, New York City, New York where the Mission maintains its offices. There are, however, seven (7) floors in the building which are not occupied for Mission pruposes. The Tax Exempt status of the property has been established, but those seven (7) floors are not Tax Exempt.

On January 7th and 8th, 1986, the President of the United States of America issued an Executive Order freezing Libyan assets, thereby preventing the Mission from renting the seven (7) floors, except after issuance of a License by the United States' Department of Treasury.

An Application, L-13/3, for a license was submitted March 14, 1986. The Treasury Department responded by its letter dated July 23, 1986, denying the License. The Mission's Counsel then wrote to the City of New York's Tax Commission by letter dated August 14, 1986 requesting the City, in view

The Permanent Mission of the
Socialist People's Libyan Arab Jamahiriya
to the United Nations
309 East 48th Street
New York, N. Y. 10017
(212) 752-7724

بعثة
الجماهيرية العربية الليبية الشعبية الاشتراكية
لدى الامم المتحدة
نيويورك

of the denial of the License, to consider the entire building (including the seven [7] floors) to be temporarily exempt from taxation during the period Libya is not permitted to rent, since the Mission could not offer the seven (7) floors for rent. The City has responded by a letter dated August 28, 1986, denying temporary exemption for seven (7) vacant floors. A copy of the aforementioned correspondence is attached for your information.

We bring this matter to your attention and believe that the action of both the Government of the United States and the City of New York is illogical and illegal. It is very clear to the Libyan Mission that if the Federal Government does not authorize Libya to rent the seven (7) floors, that the City's Tax Commission has no legal basis upon which it can impose a Tax on the said seven (7) vacant floors, since it violates the Constitution of the United States, as a taking of property without due process of law.

We call upon Your Excellency to intervene on behalf of the Libyan Mission with the City of New York and the United States Government to rectify this gross injustice.

The Permanent Mission of the
Socialist People's Libyan Arab Jamahiriya
to the United Nations
309 East 48th Street
New York, N. Y. 10017
(212) 752-7724

بعثـــة
جماهيرية العربية الليبية الشعبية الاشتراكية
لدى الامم المتحدة
نيويورك

Mr. Javier Perez de Cuellar
page three

The Mission of Libya wishes to reassure the Secretary General of its highest regards and shall appreciate your assistance with regard to the aforementioned problem.

Very truly yours,

Dr. Ali A. Treiki
Permanent Representative

H.E. Mr. Javier Perez de Cuellar
Secretary General
United Nations
New York, New York

NEW YORK CITY COMMISSION
FOR THE UNITED NATIONS AND CONSULAR CORPS
Two United Nations Plaza, 27th Floor
New York, New York 10017
(212) 319-9300

August 19, 1991

PAUL O'DWYER
Commissioner

Telex 6503225415MCI UW
FAX (212) 319-3430

H.E. Dr. Shirin Tahir-Kheli
Ambassador
Alternate Representative for
Special Political Affairs
United States Mission to the
United Nations
799 United Nations Plaza
New York, NY 10017

Dear Ambassador Tahir-Kheli:

I am writing to you about a matter with which you are generally familiar and which has been raised in the Host Country Committee on several occasions, namely, the outstanding debt of nearly $3.5 million in real estate taxes and interest owed to the City of New York by the Libyan government in connection with a portion of their property at 309-315 East 48th Street, used as their Permanent Mission to the United Nations.

As you know, the Libyan government's property enjoys only a partial tax exemption in New York City. Under local law and under the Vienna Convention, only that portion used as the premises of the Mission and the Ambassador's residence enjoy exemption from taxation. Since seven floors of the subject premises have been set aside for commercial use, they have been taxed in the ordinary course. Although none of the seven floors had ever been occupied by a tenant, the Libyan government had been paying the taxes until early 1986, when their ability to rent the seven floors was "frozen", pursuant to two Executive Orders. The Libyan government has maintained since that time that it is inappropriate, indeed illegal, for the City to be taxing the property when the property has been rendered "unusable" for the commercial purposes for which it was built.

We have met numerous times over the past several years with the Libyans and their representatives, as well as with officials of the City's Department of Finance and the Legal Counsel of the United Nations. The City has offered to reduce the valuation of the property to reflect its diminished commercial value, but the offers were deemed inadequate by the Libyans, and the taxes continued to accrue.

There is, of course, no question that the premises are inviolable and not subject to any enforcement measures by the local authorities. However, it seems equally clear that the taxes are due and payable, under local and international law. We believe that this burden should not fall on the citizens and taxpayers of the City, but rather it is the responsibility of the Federal government in light of the Executive Orders which triggered the problem.

I would like, therefore, to request a meeting with you and any other appropriate Federal officials in order to discuss working out a mechanism for payment of this tax. Thank you very much for your kind attention.

Sincerely,

/s/ Paul O'Dwyer

Paul O'Dwyer
Commissioner

PO/ms

Appendix IX

OFFICE OF THE MAYOR
NEW YORK CITY COMMISSION FOR THE UNITED NATIONS,
CONSULAR CORPS AND PROTOCOL
Two United Nations Plaza, New York, New York 10017

IRENE R. HALLIGAN
COMMISSIONER

BRADFORD E. BILLET
DEPUTY COMMISSIONER

August 27, 2001

H.E. Mr. Isa Ayad Babaa
Ambassador Extraordinary and Plenipotentiary
Deputy Permanent Representative
Permanent Mission of the Socialist People's Libyan Arab Jamahiriya
to the United Nations
309-315 East 48th Street
New York, New York 10017

RE: Block 1341, Lot 6
309-315 East 48th Street

Dear Ambassador Babaa:

The New York City Commission for the United Nations, Consular Corps, and Protocol presents its compliments to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations.

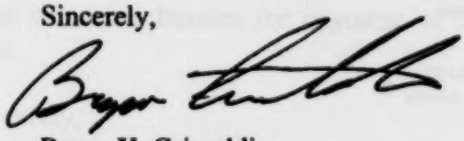
Our office has been contacted by the New York City Department of Finance with regard to outstanding real estate tax charges for the above referenced property. By letter dated January 5, 2001, the Department of Finance requested that the Mission contact the City to review and discuss the amounts outstanding. To date, the City has not received a response from the Mission. Currently, the outstanding balance is $36,508,846.70. On February 15, 2001, the City of New York formally registered a claim with the Office of Foreign Asset Control, U.S. Department of Treasury.

The City looks forward to the timely resolution of this matter. Real estate tax delinquencies and related charges are a matter of public record and may become subject to publication in the future.

(212) 319-9200 • Fax

I wish to thank you for your anticipated cooperation in this matter. Please contact our office to arrange for payment. Should you have any questions, please call me at (212) 310-9300.

Sincerely,



Bryan X. Grimaldi
General Counsel

cc: Commissioner Irene R. Halligan
Commissioner Andrew S. Eristoff
Deputy Commissioner Bradford E. Billet
Deputy Commissioner Peter J. Lempin, DOF
Robert C. Moller, U.S. Department of State
James B. Bond, U.S. Department of State
Richard Neucomb, U.S. Department of Treasury

Appendix X

٥/ ١١٠

The Permanent Mission of the
Socialist People's Libyan Arab Jamahiriya
to the United Nations
309 East 48th Street
New York, N.Y. 10017
(212) 752-5775

A/AC.154/346/Add.1

بعثة
الجماهيرية العربية الليبية الشعبية الاشتراكية
لدى الامم المتحدة
نيويورك

No: 666

The Permanent Mission of the Libyan Arab Jamahiriya to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to advise the following concerning the subject of the Libyan Mission Building located at 309 - 315 East, 48th Street, in New York City, New York.

At the time the premises of the Mission were built, Libya intended to rent out 7 floors of the building for "commercial occupancy". This, however, was not possible because of the 1986 Executive Order, by President Reagan.

In pursuit of that goal the Libyan Mission had presented an Amended Application to the Foreign Assets Control Office of the U.S. Department of the Treasury on 26 January 1986. That office, on July 23, 1986, denied Libya's request, thereby frustrating the use of those 7 floors for "commercial use".

Despite that official denial by the Federal Authorities, the Department of Finance of the City of New York continued assessing property taxes on the commercial portion of the premises, ignoring the fact that it did not generate any income at all and therefore had "zero commercial value". The amount of such taxes with interest has been compounding since then and has reached an enormous figure, which constitutes an anomalous situation that cannot be supported legally or logically. Consequently, the Libyan Mission, having been denied its right to rent the above mentioned floors, intends to use the entire premises for Mission purposes, and, therefore requests your kind assistance in this regard.

The Permanent Mission of the Libyan Arab Jamahiriya to the United Nations avails itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its highest consideration.

April 4, 2001

THE PERMANENT MISSION OF THE S.P.L.A.R. JAMAHIRIYA TO THE U.N.

United States Mission
to the United Nations
799 United Nations Plaza
New York, NY. 10017 - 3505

Appendix XI

UNITED STATES MISSION
TO THE UNITED NATIONS

December 5, 2001

HC-61-01

The United States Mission to the United Nations presents its compliments to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations and acknowledges receipt of the latter's Note No. 1832 of September 13, 2001 which contained information on the proposed use of floors 14 through 20 of Libya House at 309-315 East 48th Street.

Provided that renovations are carried out in accord with applicable local laws and building codes, the United States Mission has no objection to the proposed usage as described in the Note No. 1832 from the Permanent Mission of Libya.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations the assurances of its highest consideration.

Robert W. Thabit
Attorney and Counselor at Law
260 Ovington Avenue
Brooklyn, New York 11209

OFFICE:
(718) 748-6861, 2

FAX: (718) 748-7041

Via Certified Mail/RRR
No. 7000 1670 0006 7352 0798

December 21, 2001

The Honorable Irene Halligan
City Commissioner to the U.N.
and Consular Corps.
Two U.N. Plaza
New York, NY 10017

RE: Libyan Mission to U.N.
309-315 E. 48th St.
New York City, NY

Dear Ms. Halligan:

As you know, I represent the Permanent Mission of Libya to the U.N., whose government owns the above premises.

As you are also aware there are 7 floors that had been intended for commercial use at the time the building was constructed. However, in 1986, President Ronald Reagan froze all of the assets of Libya, including the 7 flocrs in the above premises. Libya requested permission to rent the 7 floors and had agreed that any surplus funds would be deposited in a "blocked" account, but the U.S. Office of Foreign Assets Control denied Libya's request. Notwithstanding that denial, the City has annually considered the property taxable and levied a tax against the premises, which given the above facts, represents in my legal opinion, a taking of property without due process of law.

The Mission of Libya in an effort to resolve this matter contacted the U.S. Mission to the U.N. by a Note Verbale dated April 4, 2001 for the purpose of changing the use of the 7 floors into Mission use, so that the "alleged" taxable status could be legally corrected. The U.S. Mission to the U.N. responded by note dated June 18, 2001 requesting "a floor by floor description of the intended use of the premises." The Libyan Mission responded by note dated September 13, 2001 with specific uses of the aforementioned 7 floors and the U.S. Mission responded by note dated December 5, 2001 stating that "Provided that renovations are carried out in accord with applicable local laws

and building codes, the U.S. Mission has no objection to the proposed usage as described." A copy of the aforementioned four (4) notes are enclosed herewith for your easy reference.

The Libyan Mission would like to proceed to the conversion of the said 7 floors and is submitting herewith an Application for Exemption of the 7 floors from real property taxes, as all of the floors will either be used for the residence of the Foreign Minister, Ambassadors or Minister Plenipotentiary, the Exhibition Hall on Libya, and the Men's and Women's Gym are for "official Mission uses."

We hereby request that the tax exemption should be made effective as of the date that President Reagan froze Libyan assets, including the aforementioned 7 floors, since they have never been used for "commercial purposes."

We would appreciate it therefore, if you would meet with Amb. Dorda, the Mission's Legal Advisor and the undersigned in mid-January 2002 to review how the Mission should proceed to accomplish the goals set forth in Libya's Note #1832 to the effect that all of the 7 floors would in fact be exempt from real estate taxes from the date President Reagan froze Libyan assets in 1986.

Thanking you for your early attention to the above, I am

Sincerely yours,

Robert W. Thabit

RWT:mj

Encls.

cc: Amb. Abuzed Omar Dorda
(via fax 212-593-4787)

OFFICE OF THE MAYOR
NEW YORK CITY COMMISSION FOR THE UNITED NATIONS,
CONSULAR CORPS, AND PROTOCOL
Two United Nations Plaza, New York, New York 10017

MARJORIE B. TIVEN
COMMISSIONER

March 7, 2002

Mr. Robert W. Thabit
Attorney and Counselor at Law
260 Ovington Avenue
Brooklyn, NY 11209

Dear Mr. Thabit:

Thank you for your letter of March 5, 2002. The City wishes to resolve the matter of Unpaid Real Estate Taxes for the Libyan Mission to the United Nations.

Please contact Deputy Commissioner Bradford E. Billet or General Counsel Brian X. Grimaldi of my office at (212) 319-9300 to arrange for a meeting jointly with the Department of Finance and Ambassador Abuzed Omar Dorda, of the Libyan Mission.

Sincerely,

Marjorie B. Tiven
Commissioner

MBT/pk

cc: Ambassador Abuzed Omar Dorda
Libyan Mission to the United Nations

Telephone: (212) 319-9300 ● Fax: (212) 319-3430

Appendix XIV

CITY OF NEW YORK

NOTICE OF INTENTION TO SELL TAX LIENS

*BWNFFBV
*07126870203070248

LIBYAN ARAB REPUBLIC
309 E 48TH ST
NEW YORK, NY 10017-1746

MARCH 12, 2002
PROPERTY ADDRESS:
309 EAST 48 STREET

BOROUGH	BLOCK	LOT
MANHATTAN	1341	6

CASE NO: 007027930 S

Dear Owner or Registrant:

According to the records of the New York City Department of Finance and the Department of Environmental Protection, your real estate taxes and/or water and/or sewer charges and related charges (if any) have been delinquent for a period of at least one year. As a result, the borough, block and lot numbers (printed on your R.E.Tax bill) of your property will be published in a legal notice in the March 12, 2002 edition of the New York Daily News. In addition, notices showing the amount owed for each property are available for public inspection at each office of the City Register, and at the Office of the Richmond County Clerk alerting all interested parties of the City of New York's intention to sell these delinquent taxes and charges in a tax lien sale to be held no less that 60 days from the date of the published legal notice. The addresses of the City Register and the Richmond County Clerk appear in the accompanying brochure.

The total lien on your property consists of the delinquent property taxes and/or other delinquent lienable charges and expenses, and the interest that has accrued on the property and other lienable charges up to the time of the sale. After the sale of the tax lien, by law, the purchaser of a tax lien is entitled to receive a 5% surcharge on the entire lien plus additional interest accruing at 18% compounded daily, payable semi-annually. The private entity that purchases the lien must receive the full amount owed in order to remove the lien from your property. In order to collect the amounts owed, the purchaser can foreclose on your property.

You can prevent the inclusion of the lien on your property in the tax lien sale by taking one or more of the following steps. Be aware, however, that the last day to pay is May 10, 2002.

1) To pay delinquent real estate taxes and related charges, you should first obtain a current bill of the charges outstanding by visiting any one of the Department of Finance borough offices listed in the accompanying brochure or by calling the Department of Finance Taxpayer Assistance Unit at (718) 935-9500. Payment must be made in cash, certified check or money order payable to the NYC Department of Finance. You can mail your certified check and money order with the current bill be the NYC Department of Finance, P.O. Box 32, New York, NY 10008-0032, or you can pay in person by visting one of our borough offices. Please include your borough, block and lot numbers on all payments.

2) To obtain an updated bill for water/sewer charges or resolve issues of metered water charges please call the NYC Department of Environmental Protection, Bureau of Customer Services Offices at (718) 595-7000 or visit any one of their borough offices listed in the accompanying brochure.

3) To find out if you are eligible for an installment payment plan with the Department of Finance to pay delinquent real estate taxes please call (718) 935-9500 or visit one of our borough offices.

4) To find out if you are eligible for an installment plan with the Department of Environmental Protection to pay water/sewer charges please call (718) 595-7000.

5) If you believe the notice is in error, immediately contact the Department of Finance Ombudsman's Unit at (718) 694-0424 or the Senior Citizen Ombudsman's Unit at (718) 694-8260 or visit any of our borough offices.

(over)

Special Notice for record owners and/or the property that is the subject of a bankruptcy case under Title 11 of the United States Code (the "Bankruptcy Code")

The intended sale of the lien as set forth herein is not an act of collection. The proposed purchaser of the lien, a trust structured by the City for the ownership, among other things, of the liens (the "Purchaser"), has been specifically directed, unless authorized by the Bankruptcy Court, to refrain from any acts of collection during the time that the record owner and/or the property is the subject of a bankruptcy proceeding as set forth in the Bankruptcy Code (the "Restrained Acts"). The Restrained Acts include the application of the 5% surcharge, any statutory interest rate increases, notification costs, and any penalty amounts or any act to enforce the liens by act of foreclosure or other legal means without first obtaining appropriate judicial relief. In addition, interest will accrue on tax liens with respect to which the record owner and/or property was the subject of a bankruptcy proceeding at the time of the sale (the "Bankruptcy Tax Liens") at the rate of 9% per annum, compounded daily (a) in the case of delinquent real property taxes included in Bankruptcy Tax Liens where the annual tax bill does not exceed $2,750 except in the case of (i) any property with respect to which the real property taxes are held in escrow and paid by a mortgage escrow agent; and (ii) properties consisting of vacant or unimproved land; or (b) with respect to water and sewer charges included in Bankruptcy Tax Liens. In all other cases, interest will accrue on the tax liens at 18.00% per annum, compounded daily. Additionally, any time period which commences upon the sale of the Bankruptcy Tax Liens shall be tolled during the time the related property owner is in bankruptcy. The Purchaser will reserve its rights, upon removal of the record owner and/or the property from the protections set forth in the Bankruptcy Code, to take all appropriate legal actions.

The Restrained Acts set forth herein apply only as to those liens that attached prior to the date of any petition in bankruptcy. Any taxes and related charges, as well as any interest at the statutory rate, which became due and payable after the filing date of any petition in bankruptcy are liens as set forth in both the Administrative Code and Section 362(b)(18) of the Bankruptcy Code, and will be subject to the 5% surcharge. The City will not seek to enforce the post-petition liens by act of foreclosure or other legal means, until either the removal of the record owner and/or the property from the protections set forth in the Bankruptcy Code, or first obtaining appropriate judicial relief from the Bankruptcy Court.

Enclosure: Tax Lien Sale Brochure.

CITY OF NEW YORK
DEPARTMENT OF FINANCE

Appendix XV

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.

2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the report of the Committee to the General Assembly.

United Nations A/AC.154/347

General Assembly

Distr.: General
24 April 2002
English
Original: Arabic

Committee on Relations with the Host Country

Letter dated 25 March 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Further to our letter dated 21 March 2002 addressed to you, I have the honour to transmit to you herewith the text of a note verbale from the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Permanent Mission of the United States of America concerning a "Notice of Intention to Sell Tax Liens" issued by the City of New York against this Mission's premises in New York City.

I further have the honour to request that this note verbale be included in the documentation to be discussed by the Committee on Relations with the Host Country and that it be circulated as a Committee document.

(*Signed*) Abuzed Omar **Dorda**
Permanent Representative

02-35270 (E) 290402 290402

Annex to the letter dated 25 March 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee

[Original: English]

The Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations presents its compliments to the United States Mission to the United Nations and would like to bring to the latter's attention the enclosed Notice of Intention to Sell Tax Liens issued by the City of New York's Department of Finance against 309 East 48th Street in Manhattan, the premises owned by Libya, housing the Permanent Mission of Libya to the United Nations.

As the United States Mission to the United Nations is well aware, the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations has heretofore been authorized to convert the seven floors that were intended for commercial use, before they were frozen by President Reagan in 1986, to Mission purposes so that the entire building would be exclusively for Libyan Mission purposes. It is also to be noted that there is no part of the premises that is or has ever been used for "commercial purposes".

In view of the above facts, which are known to the City of New York's Department of Finance, the Libyan Mission to the United Nations strongly protests this illegal action of the Department of Finance of the City of New York as contrary to all diplomatic norms and rules of international law, and officially requests that the United States Mission advise that Department of the illegality of its action and take all necessary measures to ensure that the City revoke its action to sell the alleged tax liens against the above-mentioned premises, and withdraw it from its list of Tax Liens for Sale.

22 March 2002

United Nations A/AC.154/348

General Assembly

Distr.: General
25 April 2002
English
Original: Arabic

Committee on Relations with the Host Country

Letter dated 24 April 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Further to our letters dated 21 and 25 March 2002 addressed to you, I have the honour to inform you that on 10 April 2002 we received from the Permanent Mission of the United States of America to the United Nations a positive reply (see annex) to our note verbale of 22 March 2002 stating that the City of New York had been requested to terminate the action to which this Mission had objected on the grounds that it is contrary to law, as explained in our note.

We welcome the reply received from the Permanent Mission of the United States of America, which supports the stance taken on this issue by the Libyan Arab Jamahiriya. We transmit to you herewith a copy of the note and its attachment, and we request you to have the present letter and its annex circulated as a document of the Committee on Relations with the Host Country.

(*Signed*) Abuzed Omar **Dorda**
Permanent Representative

02-35608 (E) 290402 290402

Annex to the letter dated 24 April 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee

[Original: English]

Note verbale dated 10 April 2002 from the United States Mission to the United Nations addressed to the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations and, with reference to the latter's note No. 549 of 22 March 2002 regarding the notice of intention to sell tax liens, wishes to inform the following:

The Department of State sent a letter to the New York City Department of Finance requesting that the City of New York take action to terminate the tax lien sale and to withdraw the tax notice on the Permanent Mission's property.

The text of the letter sent to the New York City Department of Finance is attached (see appendix).

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations the assurances of its highest consideration.

Appendix

Text of the letter sent to the New York City Department of Finance

By diplomatic note dated March 22, 2002, the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations ("Libyan Mission") informed the United States Mission to the United Nations that it had received from the City of New York, Department of Finance, a "Notice of Intention to Sell Tax Liens." The tax notice concerns the property at 309 East 48th Street, which is used to house the Libyan Mission to the United Nations. On December 5, 2001, the State Department approved the Libyan Mission's request to use all floors of the property for Mission purposes, including seven floors previously withheld for potential lease to commercial tenants. A copy of the tax notice sent to the Libyan Mission is enclosed for your reference.

For the reasons stated more fully below, under the international legal obligations of the United States, and under the Libya sanctions regulations, 31 C.F.R. Part 550, issued by the United States Department of the Treasury pursuant to Presidential Executive Order Nos. 12543 and 12544, the tax lien sale may not proceed against the Libyan Mission's property. Accordingly, we request that the City of New York take immediate action to terminate the tax lien sale and to withdraw the tax notice on the Libyan Mission's property.

As the City of New York is aware, under Article 22(3) of the Vienna Convention on Diplomatic Relations ("VCDR"), applicable to missions to the United Nations under Article 105, para. 2, of the United Nations Charter, and Article V, Section 15, of the United Nations Headquarters Agreement, the "premises of the mission...shall be immune...from attachment or execution." The prohibition against attachment precludes a tax lien against the Libyan Mission's property, and necessarily also the sale of such a lien. This treaty obligation of the United States, of course, extends to state and local governments.

In addition, as a result of economic sanctions imposed by the United States on Libya, the tax lien sale contemplated in the tax notice is prohibited unless it is authorized by the U.S. Department of the Treasury. Pursuant to the authority of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. ' ' 1701-06, the president has broad powers to "block" the assets of foreign governments and to prohibit economic transactions of any kind concerning such assets. Acting under IEEPA and other authorities, on January 8, 1986, President Reagan ordered "blocked all property and interests in property of the Government of Libya...in the United States" and authorized the Secretary of the Treasury to carry out the order pursuant to IEEPA. Exec. Order No. 12544 (Jan. 8, 1986), 51 Fed. Reg. 1235. Pursuant to this order, the Treasury Department, Office of Foreign Assets Control, issued the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Sanctions Regulations").

The Sanctions Regulations define "blocked property" as "any property in which the Government of Libya has an interest, with respect to which...transfers or ...other dealings may not be made or effected except pursuant to an authorization or license." 31 C.F.R. 550.316. The term "interest," when used with respect to property, means "an interest of any nature whatsoever,

direct or indirect." 31 C.F.R. 550.315. Liens are expressly included within the scope of the restrictions. 31 C.F.R. 550.314. The term "transfer" is defined broadly, to include "the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order. 31 C.F.R. 550.313. Unless licensed by the Department of the Treasury, Office of Foreign Assets Control, "no property or interests in property of the Government of Libya that are in the United States...may be transferred...or otherwise dealt in." 31 C.F.R. 550.209(A). Finally, again unless licensed or otherwise authorized, "any attachment, judgment, decree, lien, execution, garnishment or other judicial process is null and void with respect to any property in which [after January 8, 1986] there existed an interest of the Government of Libya." 31 C.F.R. 550.210(E). Under the sanctions regulations, property in which the Government of Libya has an interest, including its UN mission property, is blocked, and is not subject to attachment or lien, unless licensed by the Office of Foreign Assets Control. Moreover, any unlicensed transaction, such as the tax lien sale contemplated in the tax notice to the Libyan Mission, may be deemed "null and void" pursuant to the sanctions regulations. Because the purported "tax lien sale" is prohibited under federal law, the City of New York should immediately withdraw the tax notice and terminate any procedures thereunder.

Finally, the City of New York should be aware that the Foreign Sovereign Immunities Act, 28 U.S.C. 1330, 1602-11 ("FSIA"), is the "sole basis for obtaining jurisdiction over a foreign state in our courts." Argentine Republic v. Amerada Hess, 488 U.S. 428 (1989). The FSIA provides specific rules for service of process on foreign states (28 U.S.C. 1608), and provides personal jurisdiction over a foreign state only where service has been effected under that section (28 U.S.C. 1330). The FSIA contains a presumption of sovereign immunity, subject to exceptions specified in the statute. See City of Englewood v. Socialist People's Libyan Arab Jamahiriya, 773 F 2d 31 (3rd Cir. 1985) (property tax proceedings against residence of head of Libyan Mission barred by FSIA). In any proceedings against a foreign government for taxes allegedly due, the City of New York would need to proceed in accordance with the FSIA.

Please confirm that the proposed tax lien sale and tax notice against the premises of the Libyan Mission to the United Nations have been withdrawn. Thank you for your cooperation in this matter.

United Nations A/AC.154/349

General Assembly

Distr.: General
21 May 2002

Original: English

Committee on Relations with the Host Country

Letter dated 16 May 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

I have the honour to address myself to you, in your capacity as Chairman of the Committee on Relations with the Host Country, to enclose herewith a note verbale dated 26 April 2002, sent by the Permanent Mission of Cuba to the United Nations. I would like to request your good offices in officially circulating the text of the note verbale as an official document of the Committee on Relations with the Host Country.

I also have the honour to request that an item entitled "Host country travel regulations" be formally included in the agenda of the next meeting of the Committee on Relations with the Host Country, to be held on Wednesday, 29 May 2002, at 3 p.m., in order to consider the issue contained in the attached note verbale.

(*Signed*) Bruno **Rodríguez Parrilla**
Ambassador
Permanent Representative

02-39146 (E) 240502

Annex to the letter dated 16 May 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Note verbale dated 26 April 2002 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to express its deep concern at the denial by the host country authorities of the request made for Mr. Rodolfo E. Benítez Verson, First Secretary of the Mission, to travel beyond the 25-mile radius from Columbus Circle, in the Headquarters district, to attend the brainstorming session on "The Politics of Nuclear Weapons: Its Implications for Strategic Stability", to be convened by the Permanent Mission of Indonesia to the United Nations.

The Permanent Mission of Cuba to the United Nations reiterates that the restriction imposed on the staff of certain missions and officials of certain nationalities by the competent authorities of the host country is in violation of international rules recognized by international and customary law, among other rules. This restriction is applied in a discriminatory and selective way and interferes with the normal functioning of missions.

Likewise, the practice of denying the request to travel beyond the limits established for the diplomatic agents of the Permanent Mission of Cuba to the United Nations is arbitrary and unfair and places the Cuban diplomats in a disadvantageous position with respect to attending events, seminars and symposia which are directly related to the activities of the United Nations, as is the case of the brainstorming session organized by the Permanent Mission of Indonesia to the United Nations.

In this context, the Permanent Mission of Cuba to the United Nations once again urges the host country to consider the adoption of measures in accordance with international law and the spirit of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, with a view to guaranteeing that the Cuban diplomatic agents may fully enjoy the system of privileges and immunities, as well as the overall facilities, recognized by the international legal instruments provided in this matter for this kind of personnel.

The Permanent Mission of Cuba to the United Nations avails itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its highest consideration.

United Nations A/AC.154/350

General Assembly

Distr.: General
23 Ma[illegible]02

Original: English

Committee on Relations with the Host Country

Note verbale dated 19 April 2002 from the Permanent Mission of Belarus to the United Nations addressed to the Committee on Relations with the Host Country

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Committee on Relations with the Host Country and, with reference to the Mission's note verbale dated 20 March 2002 (see annex), has the honour to kindly request the Committee to distribute the above-mentioned document among its members.

02-39769 (E) 230502

Annex to the note verbale dated 19 April 2002 from the Permanent Mission of Belarus to the United Nations addressed to the Committee on Relations with the Host Country

Note verbale dated 20 March 2002 from the Permanent Mission of Belarus to the United Nations addressed to the Committee on Relations with the Host Country

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Committee on Relations with the Host Country and has the honour to inform the latter of the unfortunate events of a theft of diplomatic property of high value which took place on 18 March 2002 in northern Riverdale, Bronx, NY. That night, a diplomatic vehicle (licence plate 041 PGD), just leased by this Mission from Nissan as from 15 March 2002, was vandalized. Its hood was forced open, its alarm system was disarmed, its electric leads were cut, its battery was destroyed and its headlights were stolen. A police officer from the 50th Precinct in the Bronx inspected the vehicle and filed a police report.

In that connection, the Permanent Mission of the Republic of Belarus requested the United States Mission to the United Nations to provide all possible assistance in the form of a full and thorough investigation of this case in accordance with the established principles of diplomatic relations and international practice reflected, inter alia, in the Vienna Convention on Diplomatic Relations of 1961 and United Nations General Assembly resolution 53/97 of 8 December 1998, entitled "Consideration of effective measures to enhance protection, security and safety of diplomatic and consular missions and representatives".

United Nations A/AC.154/351

General Assembly

Distr.: General
23 May 2002
English
Original: Arabic

Committee on Relations with the Host Country

Note verbale dated 20 May 2002 from the Permanent Mission of Iraq to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

The Permanent Mission of the Republic of Iraq to the United Nations presents its compliments to the Chairman of the Committee on Relations with the Host Country and has the honour to refer once more to the discriminatory procedures followed by the host country authorities in granting visas to enter the United States of America for Iraqi delegations sent to participate in the work of the United Nations General Assembly as well as to the harassment of Iraqi delegations at John F. Kennedy International Airport in New York.

1. On 15 March 2002, the Permanent Mission of Iraq to the United Nations addressed a note to the Permanent Mission of the United States of America to the United Nations requesting that entry visas be granted to the members of the Iraqi delegation led by the Minister of Education that was sent to participate in the work of the twenty-seventh special session of the United Nations General Assembly, the special session on children, held in New York from 8 to 10 May 2002. Approval for the issuance of these visas was given only on the evening of 7 May 2002, New York time. In other words, it took some 52 days to grant entry visas for the Iraqi delegation. This had the following consequences:

The children of Iraq did not participate in the activities of the Children's Forum held in New York on 5 and 6 May 2002;

The Iraqi delegation participated only in the activities held on the last day of the special session and was prevented from participating in those held on the first two days.

2. There was also a delay in granting entry visas for the Iraqi delegation led by the Minister for Foreign Affairs that was sent to participate in the dialogue with the Secretary-General of the United Nations scheduled to be held in New York from 1 to 3 May 2002.

3. As soon as they arrive at John F. Kennedy International Airport in New York, Iraqi delegations are subjected to numerous forms of harassment, beginning with questioning and body searches. These procedures are applied even to ministers.

02-39788 (E) 240502 240502

4. It is the practice of the United States security authorities to contact the members of Iraqi delegations or staff members of the Permanent Mission of Iraq to the United Nations with the offer of various bribes and inducements for them to remain in the United States of America in an attempt on their part to mar the reputation of the Iraqi diplomatic corps. The United States embassy in Amman also asks to interview certain delegation members with the same goal in view. The practices of this kind in which the United States authorities engage are incompatible with the successive resolutions that the United Nations General Assembly has adopted, by consensus, under the agenda item entitled "Report of the Committee on Relations with the Host Country". The most recent of these is resolution 56/84, in paragraph 2 of which the General Assembly:

> "*Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance to them, are in the interest of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions."

In its paragraph 5, the Assembly:

> "*Notes also* that the Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, inter alia, for the purpose of their attending official United Nations meetings."

These practices are also in violation of the provisions of the international legal instruments relating to diplomatic privileges and immunities, specifically Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, as well as of the responsibilities of the host country.

The Permanent Mission of the Republic of Iraq requests the Chairman of the Committee to exercise his good offices with the host country authorities for the necessary and appropriate measures to be taken to ensure compliance with the international obligations and arrangements by which the United States Government is bound, including the granting of entry visas for Iraqi delegations sent to participate in the various activities of the United Nations within a reasonable and seemly period of time, so as to permit such delegations to arrive in the United States of America on schedule, and the treatment of their members in a manner that is in keeping with the international norms and customs relating to diplomatic privileges and immunities.

The Permanent Mission of the Republic of Iraq requests that this note be circulated as a document of the Committee on Relations with the Host Country and that it be considered at the meeting of the Committee to be held on 28 May 2002.